

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Ex Parte Application of

ELEMENT SIX TECHNOLOGIES LIMITED,

Applicant,

For an Order Pursuant to 28
U.S.C. § 1782 Granting Leave
to Obtain Discovery from Pure
Grown Diamonds, Inc. for Use
in Foreign Proceedings.

DECLARATION OF GEORGE T. LYONS, III

I, George T. Lyons, III, declare:

1. I am an attorney at McDonnell Boehnen Hulbert and Berghoff LLP (“MBHB”) and represent Element Six Technologies Limited (“Element Six”) in this matter.
2. I submit this declaration in support of Element Six’s application to this Court under 28 U.S.C. § 1782. I make this declaration based on my personal knowledge, except where noted otherwise. If called on to testify to the matters set forth herein, I could and would do so.
3. On June 26, 2014, Pure Grown Diamonds Inc. (“PGD”) released a press release indicating that it had “rebranded” itself from Gemesis Inc. to PGD, a true and correct copy of which is attached hereto as **Exhibit 1**.
4. In that same press release, PGD indicated that it is a privately held company based in New York, NY.¹
5. In 2014, other Gemesis entities, including Gemesis Diamond Company, also purported to rebrand to PGD, as reported in a June 14, 2006 article entitled “A Lab-Grown

¹ See Exhibit 1.

Diamond is Forever” and a December 9, 2014 article entitled “Diamond grower produces 3-carat white stone,” true and correct copies of which are attached hereto as **Exhibit 2**.

6. On June 16, 2018, PGD, released a press release indicating that the company had moved into a new facility in the heart of New York City’s “Diamond District to gain accessibility to retail and vendor partners,” a true and correct copy of which is attached hereto as **Exhibit 3**.

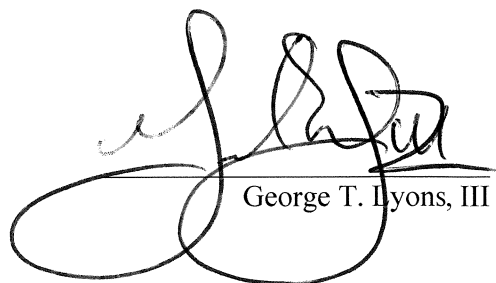
7. In that same press release, PGD indicated that its new New-York-City-based facility is a “state-of-the art sales and distribution center that will help position the company with greater efficiency, while allowing for sustainable growth.”²

8. PGD also holds itself out to potential customers as having its only listed office at 45 W. 45th Street, 5th Floor, in New York, NY 10036.” A true and correct copy of one page of PGD’s website listing that address attached hereto as **Exhibit 4**.

9. PGD is licensed to do business in New York. A true and correct copy of the New York Secretary of State’s website identifying PGD’s license is attached hereto as **Exhibit 5**.

I declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the State of New York that the foregoing is true and correct.

Executed this 7th day of September, 2018.



George T. Lyons, III

² See Exhibit 3.